

REMARKS

INTRODUCTION:

In accordance with the foregoing, claims 1, 5, 6 and 7 have been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-7 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116:

Applicant requests entry of this Rule 116 Response and Request for Reconsideration because:

(a) it is believed that the amendments of claims 1, 5, 6 and 7 put this application into condition for allowance;

(b) the amendments were not earlier presented because the Applicant believed in good faith that the cited prior art did not disclose the present invention as previously claimed; and/or

(c) the amendments of claims 1, 5, 6, and 7 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

REJECTION UNDER 35 U.S.C. §102(e):

In the Office Action, at pages 4-6, numbered paragraphs 7-10, claims 1-7 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,629,128 B1 (Glass et al.; hereafter, Glass) This rejection is traversed and reconsideration is requested.

Independent claim 1 has been amended to recite, in part: "a generating unit which generates the object reference of the naming service in a load distributed environment or a hot standby environment by dynamically setting address information contained in the object reference in accordance with connection information at a time of the request." As noted on page

9, lines 5-9 of the specification of the present application, previously it has not been possible to provide a naming service in CORBA in a load distributed environment. The present invention also provides a naming service in a hot standby environment (see line 2, page 27 of the specification). Independent claims 5, 6 and 7 have been amended in corresponding fashion. In addition, Glass does not teach or suggest a naming service in CORBA in a load distributed environment or a hot standby environment, as is recited in the amended independent claims of the present invention. Thus, it is respectfully submitted that the novelty of the present invention is set forth.

Hence, amended independent claims 1, 5, 6 and 7 are submitted not to be anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,629,128 B1 (Glass et al.). Since claims 2-4 depend from amended claim 1, claims 2, 3 and 4 are submitted not to be anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,629,128 B1 (Glass et al.) for at least the reasons that amended claim 1 is submitted not to be anticipated under 35 U.S.C. §102(e) by U.S. Patent No. 6,629,128 B1 (Glass et al.).

CONCLUSION:

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot, and further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

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If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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